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14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE EASTERN DISTRICT OF CALIFORNIA
16

17 UNITED STATES OF AMERICA,
18 Plaintiff,
19 v.
20 BRENT HOOTON,
21 Defendant.
22

23 Case No. 2:21-CR-00105-DAD

24 **STIPULATION AND ORDER TO
25 CONTINUE STATUS CONFERENCE**

26 Judge: Honorable Dale A. Drozd.
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28 **STIPULATION**

1. By previous order this case was set for status conference on October 25, 2022.

2. By this stipulation, the defendant asks to move the status conference until January 10, 2023. The defendant asks to keep the February 14, 2023, trial status conference on calendar and to exclude time between October 25, 2022, and March 20, 2023, [the trial date] under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

(a) Defense counsel was recently appointed and requires time to meet with Mr. Hooton and obtain and review the discovery.

(b) Defense counsel has yet to receive the file from prior counsel. Prior counsel has been cooperative, however, prior counsel missed 1-2 weeks of work due to Covid and subsequently was out of the office for previously scheduled time away from work. Defense

{00030813}

1 counsel believes prior counsel will return to work the week of October 24, 2022.

2 (c) Counsel for defendant believes failure to grant the above-requested
3 continuance would deny them the reasonable time necessary for effective preparation, taking into
4 account the exercise of due diligence.

5 (d) The government does not object to the continuance.

6 (e) Based on the above-stated findings, the ends of justice served by
7 continuing the case as requested outweigh the interest of the public and the defendants in a trial
8 within the original date prescribed by the Speedy Trial Act.

9 (f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C.
10 § 3161, *et seq.*, within which trial must commence, the time period of October 25, 2022 through
11 March 20, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv)
12 [Local Code T4] because it results from a continuance granted by the Court at defendants' request
13 on the basis of the Court's finding that the ends of justice served by taking such action outweigh
14 the best interest of the public and the defendants in a speedy trial.

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16 Dated: October 21, 2022.

Respectfully submitted,

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18 By _____ /s/ Kresta Daly for _____
19 AUDREY HEMESATH
ASSISTANT UNITED STATES ATTORNEY

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21 Dated: October 21, 2022.

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23 By _____ /s/ Kresta Daly _____
24 Kresta Daly
25 Attorney for Brent Hooton

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ORDER

GOOD CAUSE APPEARING upon the stipulation of the parties it is ordered:

IT IS SO ORDERED.

Dated: October 24, 2022

Dale A. Droyd
UNITED STATES DISTRICT JUDGE

BARTH DALY LLP
ATTORNEYS AT LAW
DAVIS, CALIFORNIA